



**RRI**  
**Risk Reduction, Inc.**  
Claims Adjusters and Administrators

July 14, 2005

The Pain Center  
501-507 South 12<sup>th</sup>  
Philadelphia, PA 19147

Re: Claims for Ms. Dianna Berry (\*\*\*\*\*3972)

To Whom It May Concern:

I have reviewed the claims for treatment of Ms. Dianna Berry for the following dates of service: 01/21/05 through 04/29/05. It appears that these claims were for services provided by chiropractors. Please note that the SkilStaf Group Health Plan ("Plan"), a self-insured ERISA plan, applies an annual benefit limit of \$1,000 for services provided by a chiropractor. Please also note that the Plan provides such benefits only when there is "documented physical improvement" from that treatment. As the Plan already has exceeded the annual limit for chiropractors' services during 2005 for Ms. Berry, no additional benefits are payable under the Plan for the referenced claims. In addition, no future claims will be covered for any such services administered during 2005.

The annual limitation applies to calendar years. If any new claims for treatment by chiropractors are made in 2006 or later years, please submit those claims at that time with appropriate documentation of the physical improvement resulting from such treatment.

Our records indicate that the Plan has provided benefits totaling \$71,911.53 for services provided by chiropractors to Ms. Berry during 2005. As noted, those payments exceed the \$1,000 limit on benefits for such services. Therefore, please immediately remit to the Plan at the address indicated above, for my attention, the inadvertent excess previously provided to you in the amount of \$70,911.53.

Thank you for your attention to this matter.

Sincerely,

Belinda Cotney  
Claims Adjustor

Enclosures

Cc: Ms. Dianna Berry

SkilStaf - 00093

08:35:19 07/19/2005 PAIN CENTER

FAX NO. : 2159231012

Jun 18 2005 09:38AM

RADIOFREQUENCY  
RFS

**THE PAIN CENTER**  
*is a multi-disciplinary facility  
of pain specialists including the fields of  
anesthesiology, neurology, ENT, physical medicine,  
clinical neuro-electrophysiology, neuropsychology,  
and musculoskeletal manipulation*

## THE PAIN CENTER

7/18/05

RR1  
Risk Reduction  
PO BOX 729  
Alexander City, AL 35011

Attn: Belinda Cotney  
Claims Adjustor

Re: Dianna Berry

This letter shall confirm our information concerning the fraudulent letter dated 7/14/05, requesting reimbursement of moneys paid thru the policy owned by Dennis Berry and Dianna Berry

At no time did this office bill for Chiropractic services.

Dr. Kaufman is a DO  
Dr. Palmerio is a DO

NEVER WAS A CHIROPRACTOR BILLED FOR!

I demand a retraction letter by Monday 7/25/05 @ 9:00 am. Your retraction letter can be faxed to 215.923.1012.

IFI did not receive your retraction letter by the requested date, I intend to turn your collection efforts over to the Insurance Commissioner of Alabama.

  
Kim R. deOliveira

Cc: Mr. Cole  
Insurance Commissioner Fraud and abuse  
State office bldg.

Skilstaf - 00092

**ROBERT E. COLE, P.C.**

**LAW OFFICES**

LAFAYETTE BUILDING  
437 CHESTNUT STREET, SUITE 218  
PHILADELPHIA, PENNSYLVANIA 19106

TELEPHONE (215) 922-2050  
FACSIMILE (215) 922-2006

**received**  
9-12-05

September 6, 2005

SkilStaf, Inc.  
P.O. Box 729  
Alexander City, AL 35011  
ATTN: Robert Johnson


RE: INSURED: DIANNA BERRY/DENNIS BERRY  
SS NO. 464-70-3972  
D/S: 1/05 TO PRESENT  
OUR CLIENT: THE PAIN CENTER

Dear Mr. Johnson;

As you are aware, our office represents The Pain Center with regard to medical bills incurred by above named patient. Per recent conversation with Belinda of your office, please consider this writing "appeal" of your decision (without documentation) not to pay The Pain Center's medical bills incurred by Dianna Berry. Per same, please find enclosed summary of progress reports indicating improvement of the above patient on a per visit basis.

Kindly advise as to when you will be making payment on the bills in question. Please feel free to contact me at your earliest convenience should you have questions or concerns. I look forward to hearing from you regarding this matter. Thank you for your consideration.

Very truly yours,

  
Robert E. Cole

REC:gk  
Enclosures  
cc: The Pain Center



Mr. Robert Cole

Re: Dianna Berry

**PROGRESS PAIN REPORT**  
**EACH TAKEN FROM OP REPORTS SUBMITTED CERTIFIED WITH**  
**BILL (FORM) TO SKIL STAF**

1/21/05 Pre-operative interview: Dianna was interviewed and the procedure was explained. An update of the original chief complaints of the patient were: right neck pain 5 out of 10, right shoulder pain 3 out of 10, right lower back pain 3 out of 10, and headaches are occipital.

1/28/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain from 5 out of 10 to 4 out of 10, right trapezius pain 8 out of 10, and right shoulder pain from 8 out of 10 to 5 out of 10.

2/4/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain from 2 out of 10 to 4 out of 10, right trapezius pain from 8 out of 10 to 4 out of 10, and right shoulder pain from 5 out of 10 to 0 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right 1<sup>st</sup> rib pain. She follows sleeping position.

3/18/05 1 of 2 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain 5 out of 10, and right trapezius pain from 4-5 out of 10 to 5 out of 10. Patient states a lot of lying around, and lots of sleeping in hotels last month. Dianna reported that the prior radiofrequency procedure reduced her right 2<sup>nd</sup> rib (extreme lateral) pain. She follows sleeping position.

2/18/05 2 of 2 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right neck pain 5 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right C7 transverse process pain. She follows sleeping position.

2/25/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain 5 out of 10 to 3 out of 10 (constant), and right upper trapezius pain from 5 out of 10 to 3 out of 10 (constant). Dianna reported that the prior radiofrequency procedure reduced her right C4 articular pillar pain. She follows sleeping position.

2/11/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain from 4 out of 10 (constant) to 3 out of 10 (intermittent), and right upper trapezius pain from 4 out of 10 (constant) to 3 out of 10 (intermittent). Dianna

reported that the prior radiofrequency procedure reduced her right C5 articular pillar pain. She follows sleeping position.

2/18/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain from 3 out of 10 to 3 out of 10 (intermittent), and right upper trapezius pain 3 out of 10 (intermittent). Patient states doing much better. Dianna reported that the prior radiofrequency procedure reduced her right C6 articular pillar pain. She follows sleeping position.

2/25/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain from 3 out of 10 to 1 out of 10 (intermittent), and right upper trapezius pain from 3 out of 10 to 3 out of 10 (intermittent). Patient states pain is less intensity and doesn't linger. Patient states feel better this week than last. Dianna reported that the prior radiofrequency procedure reduced her right 2<sup>nd</sup> rib pain. She is following sleeping position 100%.

3/4/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain from 3 out of 10 to 5 out of 10, and right trapezius pain 3 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right 3<sup>rd</sup> rib (lateral) pain. She follows sleeping position.

4/1/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right neck pain from 2 out of 10 (constant) to 2 out of 10 (intermittent), and right upper trapezius pain from 3 out of 10 (constant) to 3 out of 10 (intermittent). Dianna reported that the prior radiofrequency procedure reduced her right angle of scapula pain. She follows sleeping position.

4/15/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right upper back/shoulder pain 3 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right mid-superior scapula spine pain.

4/22/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right scapula 3 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right scapula pain.

4/29/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right rib pain 3-4 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right lateral scapula spine pain. She follows sleeping position.

5/6/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: left shoulder pain 4 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right 6<sup>th</sup> rib medial pain.



5/13/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right shoulder pain from 4 out of 10 to 3 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right bicep tendon pain.

5/20/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right scapular pain. Dianna reported that the prior radiofrequency procedure reduced her medial superior scapula pain.

5/23/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right shoulder pain 3 out of 10 (intermittent) to a 3 out of 10. Patient states she has soreness on bicep tendon. Dianna reported that the prior radiofrequency procedure reduced her right medial border of scapula pain. She follows sleeping position.

5/25/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: right shoulder pain 3 out of 10 to a 1-2 out of 10 (intermittent), right neck from a 3 out of 10 to a 1 out of 10, and right anterior shoulder pain 1 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right 3<sup>rd</sup> rib medial pain. She follows sleeping position.

5/26/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right headache pain 8 out of 10.

5/27/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right shoulder pain is a 2 out of 10. Patient states that she is feeling better today; she says no more headaches, only over eyes (intermittent). Dianna reported that the prior radiofrequency procedure reduced her right Blume pain. She follows sleeping position.

6/1/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right shoulder pain from 2 out of 10 to a 1 out of 10. Dianna reported that the prior radiofrequency procedure reduced her right C3 articular pillar pain.

6/3/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient was: right neck pain 3 out of 10 (intermittent), and right upper trapezius (intermittent). Dianna reported that the prior radiofrequency procedure reduced her right Blume pain. Patient follows sleeping position.

Jul. 30 2005 11:33AM P4

FAX NO. :2159231012

FROM : THE PAIN CENTER

6/7/05 Pre-operative interview: Dianna was interviewed and the procedure was re-explained. An update of the original chief complaints of the patient were: left neck pain (stiffness) 4 out of 10, and left shoulder pain (stiffness) 4 out of 10. Patient reports neck stiffness caused shoulder pain.



**RRI**  
**Risk Reduction, Inc.**

Claims Adjusters and Administrators

September 26, 2005

Mr. Robert E. Cole  
Lafayette Building  
437 Chestnut Street, Suite 218  
Philadelphia, PA 19106

RE: Treatment of Dianna Berry at The Pain Center

Dear Mr. Cole:

I have received your letter dated September 6 regarding this matter. Thank you for the information provided regarding the treatment of Ms. Berry.

Please note that the SkilStaf Group Health Plan ("Plan"), a self-insured ERISA plan, applies an annual benefit limit of \$1,000 for services provided by a chiropractor. As the Plan already has exceeded the annual limit for chiropractors' services during 2005 for Ms. Berry, no additional benefits are payable under the Plan for the referenced claims. In addition, no future claims will be covered for any such services administered during 2005.

The annual limitation applies to calendar years. If any new claims for treatment by chiropractors are made in 2006 or later years, the Pain Center may submit those claims at that time.

Please also note that, as previously discussed, the Plan provides chiropractic benefits only when there is "documented physical improvement" from that treatment. The additional material that you provided contains insufficient evidence that Ms. Berry has experienced documented physical improvement from those treatments.

If you have additional information or questions, please let me know.

Sincerely,

Robert C. Johnson



**ROBERT E. COLE, P.C.**

**LAW OFFICES**

LAFAYETTE BUILDING  
437 CHESTNUT STREET, SUITE 218  
PHILADELPHIA, PENNSYLVANIA 19106

TELEPHONE (215) 922-2050  
FACSIMILE (215) 922-2006

**received**  
10-3-05

September 30, 2005

SkilStaf, Inc.  
P.O. Box 729  
Alexander City, AL 35011  
ATTN: Robert Johnson

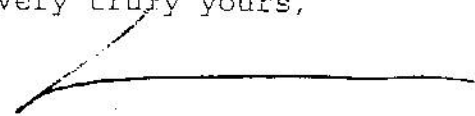
RE: INSURED: DIANNA BERRY/DENNIS BERRY  
SS NO. 464-70-3972  
D/S: 1/05 TO PRESENT  
OUR CLIENT: THE PAIN CENTER

Dear Mr. Johnson;

As you are aware, our office represents The Pain Center with regard to medical bills incurred by above named patient. I am in receipt of your correspondence of 9/26/05 regarding the above. Perhaps you should have read the documentation enclosed with our prior correspondence. The Pain Center at no point provided Mrs. Berry with chiropractic treatment. In fact, The Pain Center has never offered said discipline to any patient.

We will be placing this matter into litigation immediately. Thank you for your attention hereto.

Very truly yours,

  
Robert E. Cole

REC:gk  
cc: The Pain Center